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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,057	09/26/2003	Rami Caspi	2003P08220US	7137
7590 04/20/2007 Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER ZEWDU, MELESS NMN	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 04/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/672,057	Applicant(s) CASPI ET AL.	
	Examiner Meless N. Zewdu	Art Unit 2617	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see the attached Detailed Action..  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to After-Final Argument***

1. This action is in response to the communication filed on 3/27/07.
2. This action is a courtesy response intended to address applicant's concerns reflected in the instant response/remarks.
3. Claims 1-19 are pending in this action.
4. This action is an advisory action.

### **Initial remarks**

As an initial matter, examiner would like to point out to applicant that the serial number has this application has been mixed up with another application (10/672,367). Specifically, only the cover indicates 10/672,057 as the serial number of this application. The claims and the remarks, all carry the serial number 10/672,367. But, there is also another application, belonging to the same assignee and the same inventors and with similar claims, carrying the serial number 10/672,367. Examiner requests that this problem be corrected.

### ***Response to Arguments***

Applicant's arguments filed on 3/27/07 have been fully considered but they are not persuasive. Arguments and responses are shown herein below.

**Argument:** with regard to claim 1, applicant asserts that Polychronidis does not provide for transmitting presence information as e-mail or receiving it as a toll free telephone

Art Unit: 2617

call; Yugami has nothing to do with transmitting presence via text or e-mail from a server to a client device; McDowell does not use IM or e-mail to transmit presence information. Hence, examiner is requested to withdraw the rejection.

**Response:** examiner respectfully disagrees with the argument. In that, regarding the references mentioned above:

(1) **Polychronidis' reference:** Polychronidis is not relied upon to provide for transmitting presence information as e-mail or receiving it as a toll free telephone call. This fact is clearly stated in the rejection, thus cannot be a basis for an argument. What Polychronidis provides is a mobile gateway agent that includes network presence and location (NPL) agent that detects and gathers user presence and location information and provides a generic interface to applications which require the information. The NPL includes a pull agent, a push agent or both, and the NPL information can be provided in generic format to mobile users (see abstract and paragraph 0063). What Polychronidis does not explicitly teach are (a) position presence correlation, (b) distributing presence location information as one or more e-mail message, and (c) receiving position information from clients via a toll- free telephony interface. Now, getting back to applicant's argument, let us consider the following references.

(2) **Yugami' reference:** contrary to applicant's argument, Yugami's reference teaches that a mobile terminal (fig. 2, element 10) has an electronic mail (e-mail) message function (see paragraph 0018) to communicate location information with a wireless network/server (fig. 1; paragraph 005). This in short says, the network/server can collect location information via e-mail from mobile devices wherein the mobile

Art Unit: 2617

devices include e-mail message functionality. This also means the mobile devices are capable of receiving location information via e-mail message in the same way they send to the network/server, by their virtue of having e-mail message functionality. So, Yugami's reference teaches location information exchange between a network/server and mobile device. In particular, when Polychronidis' reference is modified with that of Yugami's, the modified system would be e-mail message enable.

(3) **Lang's reference**: now the remaining issue, regarding the arguments related to claim 1, is the **toll free call interface**. This feature is taught by Lang's reference, but not by any of other references as argued by applicant. However, applicant's argument is silence about this reference and examiner considers as an admission of the fact that Lang's reference teaches about initiating a toll free call in a wireless communication network for exchanging SMS or e-mail message (see abstract; paragraphs 0037-0039). Finally, examiner notes that the arguments presented regarding the other rejected claims are basically similar to the ones presented above. In the interest of avoiding repetition, examiner respectfully requests applicant to refer the above response/s. in conclusion, examiner does not see the need Therefore, examiner did not find the argument convincing and consequently sustains the rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

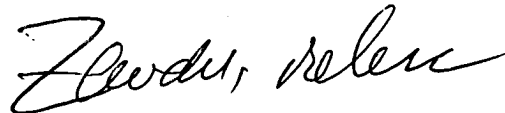
Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Appiah Charles can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless Zewdu

A handwritten signature in cursive script, appearing to read 'Zewdu, Meless', written in black ink.

Examiner

17 April 2007.